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MITIGATED NEGATIVE DECLARATION

Project Name: SAJADY MINOR SUBDIVISION

Project Number(s): 3200 21069 (TPM); LOG NO. 07-19-005

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biology,
Cultural Resources, Fire Protection, Stormwater Management, and
Hydrology
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

1. **LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]** **Intent:** In order to protect sensitive biological resources, pursuant to the Biological Mitigation Ordinance (BMO), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **Description of Requirement:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Parcel Map TPM 21069. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent offsite biological resources and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[DPLU, PCC]* for approval. **Timing:** Prior to the approval of the map and prior to the

approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

2. OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent: In order to mitigate for the impacts to

Diegan coastal sage scrub habitat, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 11.46 acres of Tier II or higher Tier habitat, located within a Biological Resource Conservation Area (BRCA) in the Multiple Species Conservation Program (MSCP) as indicated below.

a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in a Biological Resource Conservation Area (BRCA) within the Multiple Species Conservation Program (MSCP) as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

3. RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].

Intent: In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **Description of Requirement:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory birds within Resource Avoidance Area (RAA) "A" as indicated on these plans. The breeding season is defined as occurring between January 1st and August 31st. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no migratory birds are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless

the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.

C. CULTURAL RESOURCES

1. **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 and 15064.7](#). **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:
 - a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this map. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
 - b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
 - c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for TPM 21069 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

2. **CULTURAL RESOURCES REPORT: [DPLU, PCC] [UO, FG] [DPLU, FEE X2]. Intent:** In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition 22, a final report shall be prepared. **Description of Requirement:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:
- a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Daily Monitoring Logs
 - c. Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
 - d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring

activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant's archaeologist shall prepare the final report and submit it to the [DPLU, PCC] for approval. **Timing:** Prior to any occupancy or final grading release, the final report shall be prepared. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [DPLU, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [DPLU, PCC] shall inform [DPLU, FISCAL] to release the bond back to the applicant.

3. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3200 21069 (TPM), a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.
4. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation

Monitoring and Reporting Program pursuant to 3200 21069 (TPM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources](#) , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. “During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.”
- b. “In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”
- c. “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant,

as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDC] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDC] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

5. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3200 21069 (TPM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report

or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

6. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3200 21069 (TPM), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant shall submit the report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of 3200 21069, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for 3200 21069 (TPM), the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the

final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

D. FIRE PROTECTION

1. **FIRE SERVICES AND AVAILABILITY: [DPLU, REG] [FIRE] [GP, IP] [DPLU, FEE]**

Intent: In order to assure long-term availability of adequate fire protection services, the project shall participate in a Community Facilities District (CFD) to fund fire protection. **Description of Requirement:** The property shall be annexed into the San Diego Rural Fire Protection District CFD 04-1. **Documentation:** The applicant shall provide written evidence, to the satisfaction of the County Fire Authority and DPLU Project Planning, demonstrating that the property has been annexed into the San Diego Rural Fire Protection District CFD 04-1. **Timing:** Prior to the approval of the Final Map, the property shall be annexed into the CFD in accordance with the above documentation. **Monitoring:** The DPLU Fire Marshal shall review the submitted documentation. If, upon review, DPLU determines the documentation demonstrates conformance with this condition, the DPLU shall approve the documentation and deem the condition satisfied.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]**

Intent: In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall

review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

- 2. GRADING PLAN CONFORMANCE: [DPW, ESU] [DPR, TC PP] [GP, IP, MA]** **Intent:** In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **Description of requirement:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures: grading monitoring and breeding season avoidance. **Documentation:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPW, ESU, or DPLU, BD for DPLU Minor Grading, [DPR, TC for trails and PP for park improvements] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.
- 3. WELL DESTRUCTION: [DEH, LWQ] [GP, BP, MA]** **Intent:** In order to ensure that the water well located on the property is removed, and to comply with the [County Regulatory Code Section 67.431](#), the well shall be properly destroyed. **Description of Requirement:** The abandoned water well on the project site shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **Documentation:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **Timing:** Prior to the approval of the map and prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), the applicant shall destroy the well. **Monitoring:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.
- 4. RESOURCE PROTECTION ORDINANCE STEEP SLOPE EASEMENT: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].** **Intent:** In order to protect steep slope lands as defined in the [Resource Protection Ordinance \(RPO\)](#) Section 86.602.(p) a Steep Slope Open Space Easement shall be granted. **Description of Requirement:** Grant to the County of San Diego a RPO Steep Slope Open Space Easement

as shown on the TPM. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- e. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section

1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

- f. Construction, use, and maintenance of a (public street, private road, or driveway).
- g. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easement, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easement, the applicant shall provide copies of the recorded easement documents to *[DPLU, PCC]* for approval. **Timing:** Prior to issuance of grading or construction permits or approval of the Parcel Map, whichever comes first, the easement shall be recorded. **Monitoring:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[DPLU, PCC]* for pre approval. The *[DPLU, PCC]* shall pre-approve the language and location of the easements before being released to the applicant for signature and subsequent recordation. Upon Recordation of the easement *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[DPLU, PCC]* for satisfaction of the condition.

5. FIRE HYDRANT INSTALLATION (DEFERRED) [DPW, LDR] [MA]

Intent: In order to ensure that the proposed subdivision has the required water, sewer, and fire protection services, and to comply with [County Subdivision Ordinance Sections 81.706](#), the services shall be provided to the subdivision. **Description of requirement:** A fire hydrant, together with an adequate water supply in accordance with the specifications of the San Diego Rural Fire Protection District and San Diego County standards in the vicinity of the southwest corner of Parcel 1 shall be installed:

- a. On paved roads, a “blue dot” marker shall be installed in the pavement to indicate the location of the fire hydrant(s). Design of water supply, type, and location of fire hydrant(s) must be submitted to the San Diego Rural Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

- b. The improvements shall be completed and a secured agreement shall be executed pursuant to [Subdivision Ordinance Sec. 81.706.1 through 81.707](#) for the required improvements, or execute a secured agreement to complete the improvements within twenty-four (24) months from the recording of the Parcel Map.

Map Timing: Prior to approval and recordation of the Parcel Map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.709.2](#), except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that the Fire Protection District is satisfied with the implementation of the fire hydrants before final grading release of the grading plans and before release of the covenant.

6. PUBLIC ROAD CONNECTION: [DPW, LDR] [MA].

Intent: In order to ensure that the subdivision is connected to a publicly maintained road and to comply with the [County Subdivision Ordinance Section 81.702](#), recorded documentation shall be provided. **Description of requirement:** Recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes shall be provided. The easement shall be forty feet (40') wide as specified in County Subdivision Ordinance Section [81.702](#), unless proof is furnished that a lesser width is applicable under Section 81.402 of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels. **Documentation:** The applicant shall submit to the [DPW, LDR], proof that the subdivision is connected to a publicly maintained road, and indicate the access on the Parcel Map. **Timing:** Prior to the approval of the Parcel Map, the connection shall be verified. **Monitoring:** The [DPW, LDR] shall verify that the evidence provided meets the requirement of this condition.

7. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1 table 5 of the [County of San Diego Public Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** "There shall physically be minimum unobstructed sight distance based upon prevailing traffic speeds in both directions along

Skyline Truck Trail from the private road serving the project, Babel Drive.”

If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

Documentation: The applicant shall have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there are minimum unobstructed sight distances as detailed above, and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the Parcel Map the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

8. FIRE TURNOUT EASEMENT: [DPW, LDR] [FIRE] [MA].

Intent: In order to provide the appropriate fire turnarounds pursuant to the San Diego Rural Fire Protection District Standards and to comply with the [County Subdivision Ordinance Section 81.702](#) the easement(s) shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located at Babel Drive and Parcel 1 to the satisfaction of the San Diego Rural Fire Protection District and the County of San Diego, Director of Public Works.
- b. The Parcel Map shall show a “Y” shape for turnaround located at the terminus access of the on-site private easement road to the satisfaction of the San Diego Rural Fire Protection District and the County of San Diego, Director of Public Works.

Documentation: The applicant shall show the easement on the parcel map. **Timing:** Prior to approval of the parcel map, the easement shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the fire turnout easement is indicated pursuant to this condition.

9. PRIVATE ROAD DEDICATIONS: [DPW, LDR] [FIRE] [MA].

Intent: In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.702](#) the easement(s) shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show a minimum twenty feet (20') wide on-site private easement road from Babel Drive easterly thence northeasterly to driveways of Parcel 2 and 3.

- b. The Parcel Map shall show a minimum forty feet (40') wide existing private easement road, Babel Drive from the proposed cul-de-sac southerly to Skyline Truck Trail.
- c. The Parcel Map shall show one foot (1') access restriction easement along the southerly property line of Parcel 1.

Documentation: The applicant shall show the easements on the parcel map. **Timing:** Prior to approval of the parcel map, the easements shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the fire turnout easement is indicated pursuant to this condition.

10. PRIVATE ROAD STANDARDS [DPW, LDR] [MA]

Intent: In order to promote orderly development, pursuant to the [County Subdivision Ordinance Sec. 81.702](#), and to comply with the [San Diego County Standards for Private Roads](#) the centerline shall be complied.

Description of Requirement:

- a. The centerline horizontal radii shall be a minimum of one hundred feet (100') for the proposed on-site private easement road.

The road shall also meet all other Sections of the [San Diego County Standards for Private Roads](#) **Documentation:** The applicant shall show the minimum horizontal radii on the parcel map. **Timing:** Prior to the approval of the parcel map, the condition shall be completed. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the plans in compliance with this condition.

11. UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP, MA]

Intent: In order to provide adequate notice to the serving utility companies that the road improvements are going to possibly affect their utilities, letters of concurrence shall be provided. **Description of requirement:** Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, letters shall be obtained from each serving utility company. The letters shall state that the arrangements are satisfactory to the utility for which the parcels being created serve. No letter will be required from the following: AT&T/SBC. **Documentation:** The applicant shall obtain the letters and submit them to the [DPW LDR] for review and approval. **Timing:** Prior to the approval of improvement plans and the approval of the Parcel Map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

12. UTILITY CERTIFICATION LETTERS: [DPW, LDR] [GP, IP, MA]

Intent: In order to inform the local public entities and utility companies that the Parcel Map is going to be approved by the County, and to comply with Section 66436 of the Government Code, letters of concurrence for signature of on the map shall be provided. **Description of requirement:** A certification from each public utility and each public entity owning easements within the proposed land division shall be provided to the County. **Documentation:** The applicant shall obtain the letters, which state that the public entities affected by this project have received a copy of the proposed Parcel Map, and that they **object** or **do not object** to the filing of the Map without their signature. The applicant shall submit the letters to the [DPW LDR] for review and approval. **Timing:** Prior to the approval of improvement plans and the approval of the Parcel Map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

13. ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].

Intent: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Subdivision Ordinance Section 81.706](#) the property shall transfer into the lighting district. **Description of requirement:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. **Timing:** Prior to approval of the parcel map, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

14. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].

Intent: In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.

Documentation: The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW as indicated above. **Timing:** Prior to the approval of the map the agreement shall be executed. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

15. COVENANT OF IMPROVEMENTS: [DPW, LDR] [MA]

Intent: In order to allow the deferment of the private improvements required by [Subdivision Ordinance Sec. 81.707](#), a covenant of improvements shall be executed and recorded if the private improvements listed in this decision are not completed before approval of the tentative parcel map. **Description of requirement:** The applicant shall complete all of the private improvements or execute a Covenant of improvements pursuant to the [County Subdivision Ordinance Section 81.708](#), which lists conditions 11 below that remain to be completed. An improvement plan and cost estimate shall be prepared for the private improvements and the estimated costs of the improvements shall be included in the Covenant. The Covenant shall be recorded and noted on the parcel map.

- a. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.709.2](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued.

Documentation: The applicant shall prepare the improvement plans; provide a cost estimate as indicated below:

- b. Improvement Plans with sufficient detail shall be prepared for the purposes of providing the required estimate of cost for the private improvements. The covenant shall note the estimate of cost to install and/or construct any deferred improvements. The estimate of costs shall be based upon the approved improvement plans.
- c. The plans shall include a signed statement by the private engineer-of-work which states, "The plans are sufficient for the purpose of providing the required estimate of the cost for the private easement roads, private facilities, and any other private improvements deemed necessary pursuant to the [County Subdivision Ordinance Section 81.706](#)."
- d. The estimate shall have the engineer's signature and stamp on the front page along with a statement that reads, "The estimate of the approximate costs as of the date the estimate was prepared for the private improvements required by the final notice of approval and the [San Diego County Standards for Private Roads](#)."

The applicant shall prepare the map with the covenant. The Covenant shall be placed on the face of the parcel map, and recorded with the map.

Timing: Prior to the approval of the parcel map, improvements shall be completed or the plans and the cost estimate shall be prepared, approved and the covenant prepared and recorded. **Monitoring:** The [DPW, LDR] shall verify that the cost estimate's validity, and that the plans can be approved, but shall stamped, "Not approved for construction," pursuant to this condition. The [DPW, LDR] Map Processing shall verify that the covenant is recorded on the map.

16. PRIVATE ROAD IMPROVEMENTS (COVENANT): [DPW, LDR] [MA]

Intent: In order to promote orderly development necessary for public health and safety of the area, and to comply with the [Subdivision Ordinance Sec. 81.707 through 81.710](#), the required private improvements shall be completed or deferred. **Description of Requirement:**

- a. The proposed cul-de-sac located on Babel Drive shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the San Diego Rural Fire Protection District and Director of Public Works. [FIRE]
- b. The existing private easement road, Babel Drive from the proposed cul-de-sac located at driveway Parcel 1 southerly to Skyline Truck Trail, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete pavement over approved base. Where conforming to vertical and horizontal design criteria of current County Private Road Standards, the existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The improvement and design standards of Section 3.1(C) of the [San Diego County Standards for Private Roads](#) for one hundred one (101) to seven hundred fifty (750) trips shall apply.
- c. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.
- d. In the event these improvements are deferred, the subdivider shall

execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.

- e. The County of San Diego, Department of Public Works, shall be notified before any private road construction. Copies of the blueline plans shall be submitted and an inspection deposit shall be posted.
- f. The structural section, both new and existing, for the private roads shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, before construction activities commence pursuant to Section 3.2/3.11 of the San Diego County Standards for Private Roads. This applies only where // grades exceed 8% // asphalt concrete pavement is to be widened out // required by the San Diego Rural Fire Protection District.
- g. The proposed on-site private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the San Diego Rural Fire Protection District. [FIRE]

Documentation: The applicant shall complete the following:

- h. Process and obtain approval of the grading or Improvement Plans to improve Babel Drive, private easement road, and provide the cost estimate. All plans and improvements shall be completed pursuant to the [San Diego County Standards for Private Roads](#) and the DPW [Land Development Improvement Plan Checking Manual](#).
- i. The improvements shall be completed and a secured agreement shall be executed pursuant to [Subdivision Ordinance Sec. 81.706.1 through 81.707](#), for the required improvements, or execute a covenant of improvements to defer the requirements until after the map is recorded.

Map Timing: Prior to approval and recordation of the parcel map, this requirement shall be completed or a recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County](#)

[Subdivision Ordinance Section 81.709.2](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans and cost estimate [DPW, LDR] shall have this condition placed in the covenant of improvements and recorded with the map.

17. FINAL HYDROMODIFICATION: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096, County Code Section 67.801 et. seq.](#), the Hydromodification requirements shall be completed.

Description of requirement: Final Hydromodification Requirements apply for any priority development projects.

Documentation: The applicant shall complete the Final Hydromodification requirements, process and obtain approval of the engineers report, and pay the applicable review fees. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** Prior to the approval of grading and improvement plans for the private easement road the Final Hydromodification Management Plan shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the Final Hydromodification report for constancy with the condition and County Standards.

18. IMPROVEMENT CERTIFICATION: [DPW, LDR] [MA].

Intent: In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with County Private Road Standards a letter of certification shall be provided.

Description of Requirement: The private easement road, Babel Drive including all slopes and the cul-de-sac, from the proposed cul-de-sac southerly to Skyline Truck Trail shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits. **Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map Timing:** Prior to approval and recordation of the Parcel

Map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.709.2](#), except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the Parcel Map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of the Department of Planning and Land Use

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

EG:RR:kj